

A regular meeting of the Troy Building Code Board of Appeals was held Wednesday, November 5, 2003 at City Hall in the Lower Level Conference Room. Ted Dziurman, Chairman, called the meeting to order at 8:30 A.M.

PRESENT: Ted Dziurman  
Rick Kessler  
Bill Nelson  
Tim Richnak  
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Ginny Norvell, Housing & Zoning Inspector Supervisor  
Pam Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF WEDNESDAY, OCTOBER 1, 2003**

Motion by Richnak  
Supported by Nelson

MOVED, to approve the minutes of the meeting of Wednesday, October 1, 2003 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – VARIANCE REQUESTED. DEMPSTER DESIGNS, REPRESENTING CENTURY PLAZA, 3614-3674 ROCHESTER ROAD,** for relief of Chapter 78 to install a 128 square foot ground sign located 3' into the future right of way where Section 9.02.04 of Chapter 78 requires a 30' setback.

Petitioners are requesting relief of Chapter 78 to replace the existing 201 square foot ground sign located 72' from the section line of Rochester Road with a sign that is 128 square feet in size. Section 9.02.04, B of the Ordinance requires a sign of this size to be placed 30' setback from the ultimate right of way. The ultimate right of way in this area of Rochester Road is 75' from the section line. The proposed sign does not meet the setback requirements.

This item first appeared before this Board at the meeting of October 1, 2003 and was postponed to allow the petitioner the opportunity to be present.

The Chairman moved this item to the end of the agenda (Item #9) to allow the petitioner the opportunity to be present.

**ITEM #3 – VARIANCE REQUESTED. FRANK J. BIANCO, 1100 PIEDMONT,** for relief of Chapter 78 to maintain a 48 square foot tenant identification sign where a maximum 20 square foot sign is permitted.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to maintain a 48 square foot sign, installed without the required Sign Permit. Section 9.02.05 B, of the Sign Ordinance limits the size of a tenant identification sign to 20 square feet.

Mr. Bianco, the owner of 1100 Piedmont, was present and stated that basically they had installed this sign without a permit and then found out that a variance would be required.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Dziurman asked if this building had more than one tenant. Mr. Bianco stated that this is quite a large building and he only leased one small area to this tenant. Mr. Bianco further stated that he did not believe there would be any other tenants.

Mr. Nelson asked what the current number of signs were at this building, and if they were in compliance with the Ordinance. Mr. Stimac explained that each tenant in a multiple tenant building is allowed one 20 square foot identification sign. If this existing sign was 20 square feet, it would be allowed to be put up without a variance.

Ms. Norvell explained that there is an existing ground sign and an existing wall sign. The Ordinance actually allows one primary wall sign, which could be up to 100 square feet; one ground sign – up to 100 square feet and one 36 square foot ground sign.

Mr. Bianco said that they made the mistake of installing a larger sign, and is now asking for a 28 square foot variance. Mr. Kessler asked if they had looked into reducing the size of this sign in order to comply with the Sign Ordinance. Mr. Bianco said that they had not, but would be willing to do whatever this Board requires. Mr. Bianco also pointed out that his business had been in Troy for approximately 28 years and this is the first time he is requesting a variance. Mr. Kessler asked Mr. Bianco if he could demonstrate a hardship that would justify a larger size. Mr. Bianco stated that there was no hardship; the hardship would be for him to take down the larger sign and put up a sign that would comply with the Ordinance.

Motion by Richnak  
Supported by Kessler

**ITEM #3 – con't.**

MOVED, to deny the request of Frank J. Bianco, 1100 Piedmont, for relief of Chapter 78 to maintain a 48 square foot tenant identification sign where a maximum 20 square foot sign is permitted.

- Petitioner failed to demonstrate a hardship justifying the variance.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

**ITEM #4 – VARIANCE REQUESTED. KAREN GATES, OF THE TROY WOMEN'S ASSOCIATION, 4777 NORTHFIELD PARKWAY,** for relief of Chapter 78 to place 75 off-site signs advertising the Elf Shelf Arts & Craft show, for a period of eight (8) days.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to place 75 off-site signs for a period of eight (8) days advertising the Elf Shelf Arts & Craft Show to be held at the Troy High School. Section 14.03 of the Ordinance limits the number of off-site signs to four. Section 14.02 of the Ordinance permits off-site signs to be in place for a maximum 7-day period.

Ms. Gates was present and stated that this Craft Show is held every year and they are once again asking for an extension to leave these signs out for an additional day, as well as to allow the number of off-site signs to stay at 75. Ms. Gates said that this request is exactly the same as it has been in previous years.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections.

Mr. Dziurman asked if arrangements had been made to have all of the signs picked up after this Craft Show. Ms. Gates said that they go out the day after and make sure all the signs are removed.

Mr. Richnak asked if they were asking to increase the number of signs placed out and Mr. Gates said this is the same amount as was requested last year. Mr. Richnak then asked if there were any enforcement issues regarding this signs. Ms. Norvell said that there have not been any problems.

Motion by Kessler  
Supported by Nelson

**ITEM #4 – con't.**

MOVED, to grant Karen Gates, of the Troy Women's Association, 4777 Northfield Parkway, relief of Chapter 78 to place 75 off-site signs advertising the Elf Shelf Arts & Craft show for a period of eight (8) days.

- Signs will be placed out beginning November 23<sup>rd</sup> and ending on November 30<sup>th</sup>.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #5 – VARIANCE REQUESTED. TERRY ULCH, AVER SIGN COMPANY, 888 W. BIG BEAVER,** for relief of Chapter 78 to install a 307 square foot wall sign on an existing building.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a 307 square foot wall sign on an existing building. Section 9.02.03, A of the Ordinance limits the size of a primary wall sign to 10% of the front face of the building but not more than 200 square feet.

Terry Ulch and David Materne of New World Systems were present. Mr. Materne, the Vice-President of Finance for New World Systems stated that they have been headquartered in Troy for 20 years. Mr. Materne explained that their company designs software and employs approximately 200 people. New World Systems is expanding and just signed a seven and one-half (7 ½) year lease, and expect that this lease would be extended. Mr. Materne further explained that the reason they wanted this size of a sign was to increase visibility to traffic along both Big Beaver and I-75. Mr. Materne said that this sign would be approximately 170' from the ground and a larger sign would make identification easier.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Richnak asked if other variances had been granted for signs on buildings of this size. Mr. Stimac said that he thought there were seven (7) or eight (8) buildings of this size in Troy and was sure that some of them had received variances.

Motion by Kessler  
Supported by Richnak

**ITEM #5 - con't.**

MOVED, to grant Terry Ulch, Aver Sign Company, representing 888 W. Big Beaver, relief of Chapter 78 to install a 307 square foot wall sign, where only 200 square feet are allowed by Section 9.02.03, A of the Sign Ordinance.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #6 – VARIANCE REQUESTED. JIM POWELL, REPRESENTING MAGGIANO'S RESTAURANT, 2085 W. BIG BEAVER,** for relief to put up two (2) additional tenant identification signs on a new building, one of which projects 6.5' from the face of the building.

Section 9.02.03 D of the Sign Ordinance permits tenants in office buildings to install one tenant identification sign, not to exceed 20 square feet in size. The petitioner is requesting relief to put up two (2) additional tenant identification signs on a new building. The application submitted indicates one additional tenant identification sign (wall awning) 15 square feet in size. The application submitted also indicates a 57 square foot tenant identification sign, which projects 6.5 feet from the building wall. Section 7.01.04 of the Sign Ordinance additionally prohibits signs that projects more than 12".

Mr. Stimac indicated that the Building Department had received a request for a sign from the owner of this building, and also was awaiting revised plans from the petitioner. Mr. Stimac asked that this item be postponed to allow for a new public hearing.

Motion by Richnak  
Supported by Nelson

MOVED, to postpone the request of Jim Powell, representing Maggiano's Restaurant, 2085 W. Big Beaver, for relief to put up two (2) additional tenant identifications signs on a new building, one of which projects 6.5' from the face of the building.

- To allow the Building Department to review the revised plans.
- To allow the Building Department the opportunity to publish a new Public Hearing.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL MEETING OF DECEMBER 3, 2003 CARRIED

**ITEM #7 – VARIANCE REQUESTED. DANIEL BOYNTON, PRESIDENT OF THE GLENWOOD PARK HOMEOWNERS' ASSOCIATION, GLENWOOD PARK NORTH,** for relief to install a 60 square foot subdivision identification sign at the northwest corner of the intersection of Acorn and Dequindre.

**ITEM #7 – con't.**

Mr. Stimac explained that the petitioner is requesting relief to install a 60 square foot subdivision identification sign at the northwest corner of the intersection of Acorn and Dequindre. A "park area" approximately 12 feet in width was platted on both the north and south sides of the portion of Acorn Drive extending out to Dequindre. These park areas include an easement for signage purposes. The petitioner proposes to locate the subdivision entrance sign within the park area on the north side of the street, setback seven (7) feet from the Acorn Right of Way. Table A of Section 9.01, of the Ordinance requires that the sign be placed with a minimum 10' setback from the Right of Way.

Mr. Boynton was present and stated that they wished to place the sign in this location as it would allow the homeowner's association the ability to maintain the sign as well as add landscaping. Mr. Boynton indicated that this sign would be in the same location as the original subdivision development sign was located. Mr. Dziurman asked if provisions had been made in order to maintain the sign. Mr. Boynton said that monies collected through the homeowner association dues, would be earmarked for this sign.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Richnak  
Supported by Nelson

MOVED, to grant Daniel Boynton, president of the Glenwood Park Homeowners' Association, Glenwood Park North, relief to install a 60 square foot subdivision identification sign at the northwest corner of the intersection of Acorn and Dequindre.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Compliance with the Ordinance would make maintenance of the sign difficult.

Yeas: All – 5

**MOTION TO GRANT REQUEST CARRIED**

**ITEM #8 – VARIANCE REQUESTED. NIPUR SHAH, 4302 CACTUS,** for relief of Chapter 83 to install a 48" high fence in a front yard location where 30" maximum height is permitted.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence. This lot is a double front, thru lot. As such it has front yard requirements along both Cactus and Dequindre. Chapter 83 limits the height of fences in required front yards to 30" in height. The site plan submitted indicates a non-obscuring 48" high fence located 20' west of the east property line, in the required front setback along Dequindre.

**ITEM #8 – con't.**

Mr. Shah was present and stated that his back yard runs along Dequindre Road. Mr. Shah's home was robbed earlier in the year and it was determined that the thieves had gained access to the home by coming from Dequindre. Mr. Shah is also concerned about safety for his children, as well as his mentally challenged brother, who resides with him approximately six (6) months a year.

Mr. Dziurman asked what type of fence would be erected and Mr. Shah said it was a metal fence and would be identical to his neighbors' fences. The same contractor that installed the other fences would also install this fence.

Mr. Zuazo asked if similar variances had been granted in this area, and Mr. Stimac indicated that he thought two other homes on Cactus had been granted similar variances.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Stimac asked if the fence would be installed up to the north property line. Mr. Shah stated that it would go all the way to the property line. Mr. Stimac pointed out that even though the property at the east end of Mr. Shah's was an easement, it was Mr. Shah's responsibility to maintain this area. Mr. Shah stated that he understood that and would be willing to add a gate at the back of the property to allow access to this area.

Motion by Kessler  
Supported by Richnak

MOVED, to grant Nipur Shah, 4302 Cactus, relief of Chapter 83 to install a 48" high fence in a front yard location where 30" maximum height is permitted.

- Gate would be provided at the back of the property to allow access to the easement for maintenance.
- Fence would allow for more security for Mr. Shah's family.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #9 – (ITEM #2) – VARIANCE REQUESTED. DEMPSTER DESIGNS, REPRESENTING CENTURY PLAZA, 3614-3674 ROCHESTER ROAD, for relief of Chapter 78 to install a 128 square foot ground sign located 3' into the future right of way where Section 9.02.04 of Chapter 78 requires a 30' setback.**

Mr. Stimac explained that the petitioners are requesting relief of Chapter 78 to replace the existing 201 square foot ground sign located 72' from the section line of Rochester

**ITEM #9 – con't.**

Road with a sign that is 128 square feet in size. Section 9.02.04, B of the Ordinance requires a sign of this size to be placed 30' setback from the ultimate right of way. Mr. Stimac indicated that upon further investigation the Building Department determined the proposed sign would not be in the ultimate right of way, but placement would remain, in fact, at the 75' right of way line (0 setback).

This item first appeared before this Board at the meeting of October 1, 2003 and was postponed to allow the petitioner the opportunity to be present.

Mr. Robert Dempster was present and stated that they wished to update the existing sign, which will help the retailers in the area. Mr. Dempster said that the old sign is in need of repair and they are proposing using the same base for the new sign, which is why they want the sign in this location. Mr. Dempster also indicated that the square footage of the new sign has been reduced as well as the height.

Mr. Richnak asked about the location of the existing secondary sign, advertising lease space available. Mr. Richnak stated that he thought it was placed in the ultimate right of way setback, and asked if it could be moved.

Mr. Stimac explained that the Ordinance allows the petitioner to have a 36 square foot sign indicating that there is space available for lease; however, they are required to comply with setback requirements. Mr. Dempster said they would happy to relocate this "For Lease" sign out of the future right of way, which will then comply with the Ordinance.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or complaints on file.

Motion by Richnak  
Supported by Nelson

MOVED, to grant Dempster Designs, representing Century Plaza, 3614-3674 Rochester Road, relief of Chapter 78 to install a 128 square foot ground sign located at the 75' line (0 setback) where Section 9.02.04 of Chapter 78 requires a 30' setback.

- "For Lease" sign will be moved in order to comply with setback requirements.
- New sign will be smaller than existing sign.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED



The Building Code Board of Appeals meeting adjourned at 9:17 A.M.

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Ted Dziurman, Chairman

A handwritten signature in cursive script, appearing to read "Pam Pasternak", written over a horizontal line.

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Pam Pasternak, Recording Secretary